



Melksham Town Council

Terms of Reference 2023

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Note: Amendments to these Terms of Reference may be made from time to time by resolution of the Town Council.

Terms of Reference

Melksham Town Council (Full Council)

Membership: All 15 elected members of the Town Council

The following matters shall be reserved for decision by the Town Council, but the appropriate Committee(s) may make recommendation for the Council's consideration:

1. The Precept
2. Borrowing money
3. Making, amending or revoking Standing Orders, Financial Regulations, Duties and Powers of Proper Officer provisions
4. Making, amending or revoking by-laws
5. Making of Orders under Statutory Powers
6. Matters of principle or policy
7. Addressing recommendations in any report from the Internal and External Auditors
8. Nomination of members of all proper and sub committees
9. New powers or duties
10. Prosecution or defence in a Court of Law
11. Nomination or appointment of representatives of the Council to any enquiry on matters affecting the town
12. To receive and adopt the Annual Accounts
13. To receive and sign off the Annual Internal & External Audit and Return
14. To receive reports referred to the Town Council from the various Committees/Sub-Committees
15. To set up Working Groups as necessary
16. To receive reports and consider recommendations from Working Groups set up by Full Council
17. To authorise the sealing of various documents with the Common Seal
18. To appoint representatives on outside bodies or joint bodies
19. To confirm the appointment of the Town Mayor/Deputy Mayor
20. To confirm the schedule of meetings of the Town Council/Committees and Sub-Committees for the ensuing year
21. To receive petitions and deputations from members of the public or any organisations
22. Any other matters not delegated to a Committee or Sub-Committee or referred to the Council by Committees or Sub-Committees

Economic Development & Planning Committee

The Committee will meet to consider all planning applications in the town. Comments will be sent to Wiltshire Council as part of their consultation procedure. The aim is to use guidance contained in the National Planning Policy Framework, the Joint Melksham Neighbourhood Plan, planning legislation, Wiltshire Council's Core Strategy and Local Plan, Policy and Periodic Planning Guidance notes to preserve and enhance the town's character, whilst encouraging its commercial and social vitality. It will also consider the contents and desires laid out in the Neighbourhood Plan and Local Plan.

Where appropriate, planning applications submitted in the Parish of Melksham Without may also be discussed and commented on if relevant to the Town Council.

Highway issues raised for the Local Highways and Footpath Improvement Group (LHFIG), Emergency Planning and Flood Plans will also be managed by this Committee.

1. Membership

Nine elected Members.

Invited officers relevant to planning and economic development, who will have no voting rights.

No business may be transacted at a meeting unless at least one half of the whole number of members of the Committee are present.

Substitution of Members - Substitutes should be nominated by the Member of the Committee planning to be absent and notified to the Proper Officer in writing by 3pm on the day of the meeting.

2. Delegated Business

The Committee has delegated authority to deal with the following matters on an ongoing basis or to conclusion:

Planning

- 2.1. At meetings to consider all planning applications sent for consultation by Wiltshire Council.
- 2.2. To comment on behalf of the Town Council on planning applications having due regard to Town Council policy.
- 2.3. To delegate the power to the Town Clerk in discussion with the Town Mayor or Deputy Town Mayor, to make recommendations to Wiltshire Council on minor revisions to applications for which there is insufficient time to call a planning committee meeting. The exercise of this power should be consistent with established practice and policy of

the committee, where defined, and shall be reported to the next planning committee meeting.

- 2.4. To deal with requests for street naming.
- 2.5. To deal with consultation requests for street trading licences.
- 2.6. To deal with any matters pertaining to the Licensing Act 2003.
- 2.7. To refer all highway Issues through the relevant portal for the Local Highways and Footpaths Improvement Group (LHFIG).
- 2.8. To develop and manage all Emergency Plans.
- 2.9. To deal with Rights of Way, Bridle Ways, and Footpath matters.
- 2.10. To prepare draft comments for any consultations received by the Council.
- 2.11. To engage in pre-application consultations with developers.
- 2.12. To manage equipment within the area of its responsibilities and not under the control of any other committee.
- 2.13. To receive petitions and deputations from the public or any organisation.

3. Economic Development

3.1 To be responsible for recommending to Council key decisions and actions required in relation to the economic development of the town.

3.2 Approving and overseeing the delivery of any relevant service strategies which affect

- economic development.
- investment in the town centre.
- to oversee and implement the Town Centre Master Plan.
- the establishment of external partnerships where they are relevant to the economic development of the town.

3.3 Approving and monitoring funding sources and mechanisms to assist with various initiatives, projects and actions within the remit of economic development.

4. Budget

4.1 To prepare, scrutinise and monitor the budget for the committee.

4.2 To approve expenditure within budget and to refer any requests for expenditure over budget to Full Council.

4.3 To approve expenditure within Ear Marked Reserves available to relevant projects for this committee.

5. Referred Business

To consider and make recommendations to the Town Council on the following matters:

- 5.1. Any other matters referred to the Committee by the Town Council.
- 5.2. All planning applications of a major strategic nature.
- 5.3. Consultations on any strategic plans produced by the Principal Authority, Wiltshire Council, such as Boundary Reviews, Local Development Framework, Local Plans or any such documents relevant to the town.
- 5.4. Budget estimates, to be prepared no later than October each year and submitted to the Finance, Administration and Performance Committee

Finance and Admin & Performance Committee

The Finance and Admin & Performance Committee manages the Town Council's budgets to ensure all expenditure is authorised where necessary and income is collected. The Committee also holds responsibility for all Grants issued and policy matters.

1. Membership Nine elected Members.

2. Delegated Business

The Committee has delegated authority to deal with the following matters to conclusion:

- 2.1. All financial matters
- 2.2. Monthly Management Accounts
- 2.3. To receive reports of paid invoices for goods and services
- 2.4. Draft budget for submission to Full Council for decision
- 2.5. To set up such Sub-Committees and Working Groups as necessary
- 2.6. Specific matters referred by the Town Council
- 2.7. Allocation of grants within the agreed criteria and budget of the Town Council
- 2.8. Agree and manage maintenance contracts and budgets for all services
- 2.9. To act as a Tender Committee as and when necessary to report the outcome of any tendering procedure to Full Council
- 2.10. Receive updates /amendments to Policy Documents, Standing Orders, Financial Regulations and Terms of Reference from the Town Clerk for consideration and onward approval by Full Council. This includes all necessary legislation updates
- 2.11. Monitor and report on the performance of the Town Council in meeting the objectives set out in its Action Plan
- 2.12. Receive petitions and deputations from members of the public or any organisation.

3. Referred Business

The Committee will consider and make recommendations to the Town Council on the following matters:

- 3.1. All matters of policy
- 3.2. Budget estimates to be prepared no later than November each year
- 3.3. Monitoring the performance of the Town Council in meeting its obligations, Action Plan and internal objectives
- 3.4. Monitoring Income and Expenditure within the Budget estimates approved by the Town Council and make necessary recommendations
- 3.5. Any other matters referred to the Committee by the Town Council which is not otherwise within the Finance and Administration Terms of Reference

Staffing Committee – Reporting to Full Council Terms of Reference

The management of the staff of the Town Council is an operational matter and firmly in the domain of the Town Clerk.

1. Membership

Three elected Members plus the Town Mayor and Deputy Mayor. The Committee shall be appointed in every election year and remain in place for the term of office of the council, save for the Mayor and Deputy.

Membership will include two designated substitutes who will also be appointed in every election year and remain in place for the term of office of the council.

Members wishing to serve on the Staffing Committee should provide a summary of their qualifications and experience in the area of personnel matters. Members of the Staffing Committee will be provided with training on an on-going basis, which they will be expected to undertake.

The quorum shall be **THREE** members of the committee. The committee will meet on an 'as required' basis.

2. Authority

Local Government Act 1972, Sections 101 and 102.

3. Delegated Business

The Council's Standing Orders will apply to all meetings of the Committee. Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a sub-committee or to an officer.

The committee will have the right to resolve to restrict access to the rest of the council, where, in the committee's opinion, the papers and or information is deemed to be of a sensitive confidential nature. Councillors will need to demonstrate a 'need to know,' if they require sight of any other papers produced by or for the committee.

In any case where there is the potential for an appeal or claim against the council for unfair dismissal or constructive dismissal, before any information about the case is shared outside of the Staffing Committee and or the Appeals Panel, the time for appeal must have lapsed before the information can be shared.

The Committee has delegated authority to deal with the following matters on an ongoing basis or to conclusion:

- 3.1. To deal with all matters affecting the appointment, discipline, salary and terms and conditions of the Town Clerk.
- 3.2. To carry out the Town Clerk's annual appraisal and agree objectives
- 3.3. To deal with any grievance regarding the Town Clerk
- 3.4. To deal with any staff matters referred to the committee by the Town Clerk
- 3.5. To interview for SMT appointments, in conjunction with the Town Clerk, and make decisions where appropriate
- 3.6. To consider, where referred by the Town Clerk, any matters emanating from the absence, grievance and disciplinary procedures contained in the Employee Handbook applicable to all members of staff employed by the Town Council
- 3.7. Approve the awarding of contractual Scale Point increments, as appropriate
- 3.8. To receive updates on staffing matters including restructuring and significant changes to job descriptions.

4. Delegation to the Town Clerk

In accordance with Standing Orders, the Town Clerk shall be empowered to exercise and perform on behalf of and in the name of and without further reference to the Council or other such appropriate committee of the Council all powers and duties of the Council in relation to the following:-

Staffing Matters

- The overall management of the staff including the establishment of an officer organisation which facilitates the management of all activities, administration and services on behalf of the Council
- The day to day supervision of direct reporting employees
- The maintenance of staff discipline including taking appropriate action in accordance with procedures (absence, grievance and disciplinary etc)
- The overseeing of the appraisal procedure for all other staff to ensure appropriate targets are set and the staff team undertake continuous professional development training
- The maintenance and periodic review of terms and conditions of employment and job descriptions for all staff
- To ensure that appropriate regard is taken of the Health & Safety Act 1974 as amended
- To appoint temporary and permanent staff and implement salary and grading reviews, changes to responsibilities and job descriptions as considered necessary subject to any expenditure being within budget. (However, salary regrading outside of the agreed scale points to be confirmed and approved by the Staffing Committee).

Asset Management and Amenities Committee

The Asset Management and Amenities Committee is responsible for matters relating to all Assets owned and/ or managed by the Town Council. This includes the Town Hall, Assembly Hall, other property owned by the Town Council, Parks and Play Areas, Grounds Maintenance, Street Furniture, Public Toilets, and all Council Land/ Allotments.

1. Membership

Nine elected Members.

Invited officers relevant to the management of assets, who will have no voting rights.

No business may be transacted at a meeting unless at least one half of the whole number of members of the committee are present.

Substitution of Members - Substitutes should be nominated by the Member of the Committee planning to be absent and notified to the Proper Officer in writing by 3pm on the day of the meeting.

2. Delegated Business

The Committee has the following delegated powers:

- 2.1. To consider and resolve issues relating to the administration and maintenance of the Town Hall, Assembly Hall and all other properties owned by the Town Council, all public owned spaces, play areas, allotments, and the closed Churchyard.
- 2.2. To maintain existing bus shelters, street furniture, and CCTV equipment and consider provision of new items where necessary within approved budgets.
- 2.3. To consider the process of redeveloping the Assembly Hall.
- 2.4. To conclude the outstanding works at the King George V Playing Field and provide updates.
- 2.5. Review all budget lines and monthly accounts for all assets listed, managing relevant budget lines allocated and provide update reports.
- 2.6. To approve expenditure within budget and to refer any requests for expenditure over budget to Full Council.
- 2.7. Maintain the asset register and ensure it is regularly updated.
- 2.8. Have oversight of the fabric of the buildings and the use of the building and the business case for said use.
- 2.9. To implement any works recommended in the Buildings Condition Surveys Reports.
- 2.10. Setting of fees, terms and conditions of use, and provision of equipment for areas under its control.
- 2.11. Liaison with community organisations which have an interest in recreational facilities in the town.

- 2.12. Vehicles and equipment within the area of its responsibilities and not under the control of any other committee.

3. Referred Business

To consider and make recommendations to the Town Council on the following matters:

- 3.1. Budget estimates, to be prepared no later than October each year and submitted to the Finance, Administration and Performance Committee.
- 3.2. Any other matters referred to the Committee by the Town Council
- 3.3. Any other matters referred to the Committee by Council Working Groups for whom the Committee is the parent Committee.

Community Development Committee

The Community Development Committee will be responsible for matters relating to all events staged, managed or involved with in relation to the Town. This will involve the preparation and management of event planning and gaining relevant permissions required.

1. Membership

Nine elected Members.

Invited officers and volunteers to enable events to be run, who have will have no voting rights.

No business may be transacted at a meeting unless at least one half of the whole number of members of the committee are present.

Substitution of Members - Substitutes should be nominated by the Member of the Committee planning to be absent and notified to the Proper Officer in writing by 3pm on the day of the meeting.

2. Delegated Business

The Committee has been delegated to deal with the following matters on an ongoing basis or to conclusion:

- 2.1. All community events
- 2.2. Community activities and engagement including the development of a community group network
- 2.3. Community Hub – virtual or physical
- 2.4. Public Arts Projects
- 2.5. South-West in Bloom and Melksham in Bloom
- 2.6. Marketing and Promotion
- 2.7. Civic Awards
- 2.8. Review all budget lines and monthly accounts for all events
- 2.9. To work with and support existing and new community groups, clubs, and centres.

3. Referred Business

To consider and make recommendations to the Town Council on the following matters:

- 3.1. Budget estimates, to be prepared no later than September each year and submitted to the Asset Management and Amenities Committee
- 3.2. To approve expenditure within budget and to refer any requests for expenditure over budget to Full Council.
- 3.3. To approve expenditure for projects allocated within Ear Marked Reserves

Working Groups

Working Groups set up by Melksham Town Council, Finance and Administration, Planning, Property & Amenities and Community Services Committees.

1. Membership

The chairman of any Committee setting up a Working Group shall be a member of the Working Group. Any other members can be appointed and so can non-elected members of the public or any other representative from a properly constituted body.

2. Delegated Business

The Working Group has delegated authority to discuss and debate items as specified by the parent committee in a brief which should be minuted:

- 2.1. No Working Group shall have powers to make decisions on policy or budget commitment.
- 2.2. Recommendations shall be put before the relevant parent committee for ratification
- 2.3. Agendas shall be put together by the Clerk's office in conjunction with the Chairman.
- 2.4. Meetings of Working Groups will not necessarily be open to the public but all minutes will be available once adopted by the parent committee.
- 2.5. Minutes of the Working Groups will be made available to all members and the general public on request. They will be prepared by the Clerk's office unless other arrangements have been made.
- 2.6. The general ToR's can be expanded for any working group if required to enable the completion of a project. Any additional ToR will be adopted by the parent committee.

Co-option Policy

1. All committees of Melksham Town Council, except for the Finance and Administration Committee, can co-opt members who are not elected Councillors to assist with the work of their committee.
2. All members of the Finance and Administration Committee must be members of the appointing Council.
3. The co-option of an individual is not to be confused with the filling of a casual vacancy on Full Council, which would only arise if an elected member should resign, die or be disqualified.
4. Co-option will not be politically led nor be a vehicle to enlist those parties not represented on Melksham Town Council.
5. Co-opted members appointed to a Committee of the Council will have the authority of the organisation they are representing, and this should be advised in writing to the Clerk of the Council if requested.
6. Co-opted members will be known as Advisers to the Committee.
7. Advisers can be appointed by a Committee in the event that additional expertise is required to make decisions or add knowledge that would be of benefit to the committee concerned.
8. Advisers will have no voting rights. There are exceptions to this rule, and non-members would have a vote in four cases. These four are the management of land, harbour functions if the council is a harbour authority, tourism functions and the management of a festival.
9. All members of a Committee will vote for an individual adviser to be appointed by way of a resolution in a public meeting.